UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,400	03/05/2001	Alan Tsu-l Yaung	1954P/STL920000109US1	2684

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EXAMINER
SAIN, GAUTAM

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/800,400	YAUNG ET AL.
	Examiner	Art Unit	
	Gautam Sain	2176	

-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --

Period for Reply

   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *8/12/04*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-23* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

 9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
                                                        Paper No(s)/Mail Date. _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   6) ☐ Other: _____ .
    Paper No(s)/Mail Date _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1)   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1-1)   Claims 1,2,6,7,8,9,13,14,15,16,20,21 rejected under 35 U.S.C. 102(e) as being

anticipated by <u>Triggs</u> (US Patent 6546387 B1, filed Nov 15, 1999).

Regarding claim 1,7,8, 14, 15, 21, Triggs teaches *a message caching agent for*

receiving the message (ie., information collection agents ... in an event database)(col

2, lines 30-43)(col 2, line 65 col 3, line 8)(ie., email readers ... incoming information)(col

5, lines 45-60).

Triggs teaches *a message publishing agent ...page builder tool* (ie., web builder

tool publish as a web site in a format ...)(col 8, lines 49-line 67).

Regarding claim 2, 9, 16, Triggs *teaches message publishing ... pushes ... tool*

(ie., reference to Microsoft Frontpage ... information is uploaded to the server ...)(col 8,

lines 55-67).

Regarding claims 6, 13, 20, Triggs teaches *a message publishing tool ...*

message caching agent (ie., Web Builder ... build web ites and publish them ...

Microsoft Frontpage reference ... information is uploaded to the holding server ...)(col 8,

lines 49-67).

Claim Rejections - 35 USC § 103

2)   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2-1)   Claims 3, 10, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Triggs (as cited and applied to claims 1, 7, 14, respectively above), in view of

Chandra et al (US 2002/0138582 A1, Provisional application no. 60/230,037, filed

Sep 5, 2000).

Regarding claims 3, 10, 17, Triggs does not explicitly teach, but Chandra

teaches "publishing agent is a servlet" (ie., plurality of servlet constructs that implement

the services ... mail formatter which may be implemented in the form ... dynamic

content creation servlets .. web page formatter ... formatting web pages)(para 211).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Triggs to include web page formatters with a plurality of servlet

constructs that implement the services as taught by Chandra, providing the benefit of a

communication system that provides ways to share messages, providing the best

features of e-mail, the web and instant messaging, linking messages to other related

messages to obtain a view of complex webs of messages and methods and

mechanisms that can aggregate related topical information within the context of a single

message or web of messages (Chandra, para 28 – 33).

2-2)   Claims 4,5,11,12,18,19,22,23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over __Triggs__ (as cited and applied to claims 1, 7, 14, respectively

above), in view of __Underwood__ et al (US Patent 6697825 B1, filed Aug 2000).

   Regarding claims 4, 5, 11,12, 18,19, 22, 23, Triggs falls short of expressly

teaching, but Underwood teaches *a message publish … request from the web browser*

… publishing the message … page builder tool (ie., Web Definer allows users to

construct and publish a complete web site using the definer)(col 9-67)(ie., Content

Definer …)(col 27, lines 28-54)(ie., Manager restores the user context and extracts

commands the user wishes to execute …every command sent to the Definer …

Manager generates response to a user request in HTML and passed back to the

user)(ie., Definer macros for producing documents within Definer web-site)(ie., user

clicks Notify on the page .. DXC constructs the HTML that contains the callback

messages … Definer Text Editor…)(col 50, lines 37-67; figure 73; fig 20, item 2000)(ie.,

applet that allows users to edit)(col 50, line 64-67).

   It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Triggs to include a Web Definer, a Content Definer, a Manager that

responds to user requests in HTML and defines macros with applets for producing

documents with a web site as taught by Underwood, providing the benefit of an

improved method and apparatus for web site generation that allows a user to make

various selections regarding of a web site and for the web site to maintain an overall

consistency, regardless of the choices and collection of various information from an

external database to be used in making automatic selections regarding the design of a

web site (col 3, lines 50-67).

Response to Arguments

Applicant's arguments filed 8/18/04 have been fully considered but they are not

persuasive.

1. Triggs reference (claims 1, 2, 6, 7, 8, 9, 13, 14, 15, 16, 20, 21, rejected under 102).

A)   Claims 1, 7 and 14.

First, Applicant argues that Triggs does not use message publishing agent and a page

builder tool and does not store the message from the cache and publish the message

through the page builder tool. Examiner disagrees. Triggs teaches message publishing

tool (see col 4, lines 13-26; col 5, line 46) and teaches a web page builder tool that

allows employees to publish web pages (col 8, lines 50-60; col 4, lines 38-40). Caching

is broadly interpreted as storing information in a memory unit for immediate use, where

a server stores information for immediate use (see Summary).

Second, applicant argues that no mention in cited portion of Triggs of communication ...

Triggs teaches that a web builder integrates completely with the system, including the

server (col 8, lines 60-67) and that messages are posted to the server shows the

connection for communication with the server (col 5, lines 57).

Third, Applicant argues that Triggs does not teach storing and retrieving. Examiner

disagrees. Triggs teaches gathering content, Informatin collection agents for gathering

information (col 4, lines 60 ...) form the web, by retrieving them from the respective web sites.

Fourth, applicant argues that Triggs does not have separate entity to be used in publishing messages in conjunction with the web builder. Examiner disagrees. Triggs, in Figure 4 shows Web Builder as a separate entity than the Information Collection Agents.

B)   Claims 2, 6, 8, 9, 13, 15, 16, 20 and 21. Examiner maintains the rejection for these claims.

2)   Triggs in view of Chandra (claims 3, 10 and 17 rejected under 103).

Applicant argues that cited portions of Chandra fail to teach use of a message publishing agent in conjunction with a page builder tool or storing a message to retrieving the message from a cache coupled to the page builder tool. Examiner disagrees. Chandra, in paragraph teaches 211, teaches formatting of web pages with HTML, with servlet constructs, and paragraph 827 teaches publishing messages with JAVA constructs. Overall, this remedies the defects of Triggs, if any, in an web publishing/formatting system.

3)   Triggs in view of Underwood (claims 4, 5, 11, 12, 18, 19, 22, 23 rejected under 103).

Applicant argues that Underwood fails to mention the use of message publishing agent in conjunction with a page builder tool or storing a message to and retrieve the message from a cache coupled to the page builder tool. Examiner disagrees, as Underwood

teaches the use of definer publishing products to produce web sites. This teaching,

supplementing Triggs teaches the technological arts that applicant argues.

In summary, Examiner examined the claims with the broadest reasonable interpretation

of the claimed subject matter in light of the specification but without reading the

specifications into the claims. The prior art of record (Triggs, Chandra and Underwood)

teach web publishing/authoring/formatting and are inventions in the same field of

endeavor. One or ordinary skill in the art at the time of the invention would have

considered the teachings of these art in conjunction and related to supplement each

other's teachings.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

G.S.

GS

SANJIV SHAH
PRIMARY EXAMINER